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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/871,174

05/31/2001

Balagurunathan Balasubramanian

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08/08/2003

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OVERLAND PARK, KS 66251-2100

EXAMINER

BARAN, MARY C

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 08/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,174

Applicant(s)

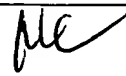
BALASUBRAMANIAN ET AL.

Examiner

Mary Kate B Baran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is responsive to Amendments filed 23 May 2003. Claims 1-21 are pending.

Drawings

2. This application has been filed with informal drawings, Figures 1-11 which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-4, 6, 8-10 and 12-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Barker et al. (U.S. Patent No. 6,363,421) (hereinafter Barker).

Referring to claim 1, Barker teaches a computer-implemented method for implementing an integrated testing and monitoring system for testing and monitoring

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applications (see Barker, column 7 lines 39-45), the method comprising: providing at least one integrated interface capable of controlling at least two monitoring programs (see Barker, Figures 10-13) which each send functional test signals (see Barker, column 11 lines 34-39) to respective applications and receive results functionally responsive to the test signals (see Barker, column 11 lines 18-29 and 47-60); initiating the monitoring programs through the integrated interface (see Barker, column 12 line 62 – column 13 line 11); setting property values for the monitoring programs through the integrated interface (see Barker, column 7 lines 57-63), the Examiner construes the claimed term “property value” to mean the same as the term “attributes” (see Barker, “Appendix A”, column 44 line 40); displaying results from the monitoring programs through the integrated interface (see Barker, column 4 lines 53-55); wherein at least one of the monitoring programs sends test signals using HTTP-compliant communications (see Barker, column 4 lines 8-18); and wherein a second of the monitoring programs sends test signals using TCP/IP-compliant communications (see Barker, column 4 lines 8-18).

Referring to claim 2, Barker teaches a monitoring program which sends test signals using CORBA-compliant communications (see Barker, column 4 lines 37-39).

Referring to claim 3, Barker discloses sending notification based on results from at least one of the monitoring programs (see Barker, column 22 lines 26-43).

Referring to claim 4, Barker teaches notification comprising paging numbers designated in the property values of the at least one monitoring program (see Barker, column 7 lines 57-63).

Referring to claim 6, Barker teaches reporting the results from the monitoring programs (see Barker, column 38 lines 5-8).

Referring to claim 8, Barker teaches recording the results in a datastore (see Barker, column 37 lines 65-66).

Referring to claim 9, Barker teaches storing the results in a text file (see Barker, column 38 lines 23-33).

Referring to claim 10, Barker discloses storing the results in a relational database (see Barker, column 32 lines 25-32).

Referring to claim 12, Barker discloses at least one integrated interface comprising an administrative graphics user interface (see Barker, column 8 lines 32-52).

Referring to claim 13, Barker teaches an administrative graphics user interface comprising an XWindow graphics user interface (see Barker, column 10 lines 11-16).

Referring to claim 14, Barker discloses at least one integrated interface comprising a command line input tool (see Barker, column 12 lines 62-67).

Referring to claim 15, Barker teaches a command line input tool comprising a UNIX command tool (see Barker, column 10 lines 5-10).

Referring to claim 16, Barker discloses at least one integrated interface comprising a web browser (see Barker, column 4 lines 53-55).

Referring to claim 17, Barker teaches at least one integrated interface comprises at least two integrated interfaces selected from the group consisting of an administrative graphical user interface (see Barker, column 10 lines 11-16), a command tool (see Barker, column 12 lines 62-67), and a web browser (see Barker, column 4 lines 53-55) (see Barker, Figures 10-13).

Referring to claim 18, Barker discloses a computer program product for implementing an integrated testing and monitoring system for testing and monitoring applications (see Barker, column 7 lines 39-45) the computer program product comprising: computer code that creates at least one integrated interface capable of controlling at least two monitoring programs (see Barker, Figures 10-13) which each send functional test signals (see Barker, column 11 lines 34-39) to respective applications and receive results functionally responsive to the test signals (see Barker,

column 11 lines 18-29 and 47-60), wherein at least one of the monitoring programs sends test signals using HTTP-compliant communications (see Barker, column 4 lines 8-18), and wherein a second of the monitoring programs sends test signals using TCP/IP-compliant communications (see Barker, column 4 lines 8-18); computer code that initiates the monitoring programs through the integrated interface (see Barker, column 12 line 62 – column 13 line 11); computer code that sets property values for the monitoring programs through the integrated interface (see Barker, column 7 lines 57-63), the Examiner construes the claimed term “property value” to mean the same as the term “attributes” (see Barker, “Appendix A”, column 44 line 40); computer code that displays results from the monitoring programs through the integrated interface (see Barker, column 4 lines 53-55); and a computer readable medium that stores the computer codes (see Barker, column 4 lines 47-53).

Referring to claim 19, Barker teaches a code representation (see Barker, column 8 lines 32-33) embodied in a carrier wave (see Barker, column 20 lines 62-67).

Referring to claim 20, Barker teaches a computer program product for implementing an integrated testing and monitoring system for testing and monitoring applications (see Barker, column 7 lines 39-45) the computer program product comprising: computer code that creates at least two integrated interfaces selected from the group consisting of an administrative graphical user interface (see Barker, column 10 lines 11-16), a command tool (see Barker, column 12 lines 62-67), and a web

browser (see Barker, column 4 lines 53-55) (see Barker, Figures 10-13), wherein the interfaces are capable of controlling at least two monitoring programs (see Barker, Figures 10-13) which each send functional test signals (see Barker, column 11 lines 34-39) to respective applications and receive results functionally responsive to the test signals (see Barker, column 11 lines 18-29 and 47-60), wherein at least one of the monitoring programs sends test signals using HTTP-compliant communications (see Barker, column 4 lines 8-18), and wherein a second of the monitoring programs sends test signals using TCP/IP-compliant communications (see Barker, column 4 lines 8-18); computer code that initiates the monitoring programs through the integrated interface (see Barker, column 12 line 62 – column 13 line 11); computer code that sets property values for the monitoring programs through the integrated interface (see Barker, column 7 lines 57-63), the Examiner construes the claimed term “property value” to mean the same as the term “attributes” (see Barker, “Appendix A”, column 44 line 40); computer code that displays results from the monitoring programs through the integrated interface (see Barker, column 4 lines 53-55); and a computer readable medium that stores the computer codes (see Barker, column 4 lines 47-53).

Referring to claim 21, Barker teaches a computer-implemented method for implementing an integrated testing and monitoring system for testing and monitoring applications (see Barker, column 7 lines 39-45), the method comprising: providing at least one integrated interface capable of controlling at least two monitoring programs (see Barker, Figures 10-13) which each send functional test signals (see Barker,

column 11 lines 34-39) to respective applications and receive results functionally responsive to the test signals (see Barker, column 11 lines 18-29 and 47-60); initiating the monitoring programs through the integrated interface (see Barker, column 12 line 62 – column 13 line 11); selling property values for the monitoring programs through the integrated interface (see Barker, column 7 lines 57-63); displaying results from the monitoring programs through the integrated interface (see Barker, column 4 lines 53-55).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker et al. (U.S. Patent No. 6363,421) (hereinafter Barker) in view of Griffiths et al. (U.S. Patent No. 6,286,045) (hereinafter Griffiths).

Referring to claim 5, Barker teaches all the features of the claimed invention except for a notification comprising sending e-mail to at least one e-mail address designated in the property values of the at least one monitoring program.

Griffiths teaches a notification comprising sending e-mail to at least one e-mail address designated in the property values of the at least one monitoring program (see Griffiths, column 8 lines 41-43).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Barker to include the teachings of Griffiths because sending email to a property value provides the skilled artisan with another method of making information and resources accessible to multiple users (see Griffiths, column 8 lines 36-43).

Referring to claim 7, Barker teaches all the features of the claimed invention except for reporting the results comprising sending notification based on the presence of predefined results.

Griffiths teaches reporting the results comprising sending notification based on the presence of predefined results (see Griffiths, column 10 lines 35-62).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the teachings of Barker to include the teachings of Griffiths because sending notification based on predefined results provides the skilled artisan with a more efficient operation of the computer network (see Griffiths, column 7 lines 22-26).

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barker et al. (U.S. Patent No. 6363,421) in view of Meyer et al. (U.S. Patent No. 6,289,378) (hereinafter Meyer).

Referring to claim 11, Barker teaches all the features of the claimed invention except for results comprising the response time from the sending of the test signal to

the receiving of a response by the monitoring program and the time at which the test signal was sent, and further comprising: analyzing the response time for the respective applications in conjunction with the time the test signals were sent to evaluate time-based load of the monitored applications; adjusting system resources allocated to the monitored applications based on the analysis.

Meyer teaches results comprising the response time from the sending of the test signal to the receiving of a response by the monitoring program and the time at which the test signal was sent (see Meyer, column 7 lines 60-65), and further comprising: analyzing the response time for the respective applications in conjunction with the time the test signals were sent to evaluate time-based load of the monitored applications (see Meyer, column 7 line 66 – column 8 line 17); adjusting system resources allocated to the monitored applications based on the analysis (see Meyer, column 7 lines 45-59).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Barker to include the teachings of Meyer because monitoring the time and adjusting the resources would have allowed the skilled artisan to accommodate demand.

Response to Arguments

6. Applicant's arguments filed 23 May 2003 have been fully considered but they are not persuasive.

Applicant argues that Barker et al. (hereinafter Barker) does not teach a "functional test signal". The Examiner draws Applicant's attention to Barker's discussion

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of the object server (see Barker, column 10 line 53 – column 11 line 60). Here Barker discusses an Event Distributor which registers a filter and requests event data which matches the filter (see Barker, column 11 lines 21-29). Furthermore, the pseudocode for the event distributor lists variables such as “command acknowledgement” and “configuration change” which indicates that the event distributor gathers data pertaining to registration (i.e. configuration) or program function (i.e. command) and not just pinging (see Barker, column 41 line 63 – column 42 line 52).

Applicant further argues that Mashinsky does not teach tracking the time for functional responses to test signals to occur to evaluate load. The Examiner agrees that this is not taught in Mashinsky and instead uses Meyer et al. (hereinafter Meyer) to explain this limitation. Meyer does teach recording response time (see Meyer, column 7 lines 60-65). Therefore it would have been obvious to modify Barker to include the teachings of Meyer because monitoring the time would have allowed the skilled artisan to enhance the performance of the monitored system.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Kate B Baran whose telephone number is (703) 305-4474. The examiner can normally be reached on Monday - Friday from 8:00 am to 5:00 pm.

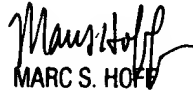
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S Hoff can be reached on (703) 308-1677. The fax phone numbers for

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the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

MKB
July 31, 2003


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800